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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,308	12/21/2001	Freddie Levario	P-109006.01(UTI)	1354

7590 05/12/2003

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EXAMINER

OMGBA, ESSAMA

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 05/12/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,308

Applicant(s)

LEVARIO, FREDDIE

Examiner

Essama Omgba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 3 and 4 are objected to because of the following informalities: in claim 3, "where in" in line 1 should read –wherein–, "of the" second occurrence in line 1 should be deleted, and "steps" in line 1 should read –step–, in claim 4, line 4, "the" first occurrence should be deleted and –the—should be inserted before "flanged ends" in line 8. Appropriate correction is required.
2. Claim 19 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 19 recites the limitation "wherein the compressible member is ring shaped", the same limitation is found in claim 18 form which claim 19 depends.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 recites the limitation "the compressible member" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 5, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor et al. (US Patent 4,913,464).

Taylor et al. discloses in combination with a pipe joint, the pipe joint for joining a first end of a first pipe 10 with a first end of a second pipe 12, the two first ends each having a flange and a tapered inner surface, see figure 1, a cylindrical coupler 14 with milled surfaces for mating with the tapered surfaces of the two ends, and fasteners 13 for cooperating with the flanges to tighten the joint to wedge the coupler thereinto to effect a fluid tight seal to the joint, see column 2, lines 28-32 and figures 1 and 5.

For claim 6, it can be seen from figures 1 and 5 that the milled surfaces of the coupler are between 5 and 45 degrees.

For claim 8, see figures 1, 5 and 8.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al. (US Patent 4,913,464) in view of Albro (US Patent 3,228,096).

Taylor et al. discloses a method of joining two pipes including a first pipe 10 with a first flanged end and a second pipe 12 with a first flanged end, the method comprising machining the first end of the first flanged pipe and the first end of the second flanged pipe such that an internal wall of each of the pipe ends is tapered at an angle, see figure 1, providing a coupler 14 with an internal diameter approximately equal to an untapered interior diameter of the respective pipes for engaging the internal flared pipe ends, locating the first end of the first flanged pipe adjacent the first end of the second flanged pipe with the coupler therebetween, providing a fastener 13 for engaging the flanges located on adjacent ends of each respective pipe, compressing the adjacent flanges, wherein the compression wedges the coupler against the flanged ends to effectively fluid seal the ends, see column 2, lines 28-32, column 3, lines 33-45 and figures 1 and 5. Taylor et al. does not disclose providing a liner of appropriate length for the interior of each pipe and flaring the liner in the interior of each pipe to conform to the taper of the machined internal wall of each pipe of the pipe ends. However Albro teaches such liner (17, 17A) of appropriate length that is provided for the interior of two pipes (16, 16A), the liner being flared to conform to the tapered inner walls of the pipes, wherein a coupler (10, 10A) engages the internal flared pipe ends with the liner therebetween, see column 4, lines 30-73 and figures 1 and 7. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have provided the two pipes of Taylor et al. with a liner of appropriate length and flaring the liner in the

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interior of each pipe to conform to the taper of the machined internal walls of the pipes, in light of the teachings of Albro, in order to protect the inner walls of the pipes against corrosion. Applicant should note that the method steps claimed are inherent in view of the joint seal of Taylor et al., lines 36-40 of column 2 of Taylor et al. indicate that the taper in the pipe is provided by machining the pipe ends. Also it is obvious that the pipes are steel pipes as the pipes are wellhead housing and its connector.

9. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al./Albro as applied to claim 1 above, and further in view of Tillman, III (US Patent 3,749,426).

For claim 2, Taylor et al./Albro discloses a method of joining two steel pipes as shown above except for a compressible ring shaped member for receipt between the flanged ends of the pipes. However Tillman, III teaches such ring shaped member, see column 3, lines 5 and 6 and figure 2. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have provided the a compressible ring shaped member for receipt between the flanged ends of the pipes of Taylor et al./Albro, in light of the teachings of Tillman, III, in order to improve the joint seal. Applicant should note that it is inherent that the ring shaped member will be placed between the two flanged ends prior to compressing and that the ring shaped member will be compressed as a result of the adjacent flanges being compressed, see figures 1 and 2 of Tillman, III.

For claim 3, see column 1, lines 61-65 of Tillman, III. Applicant should note that it would have been obvious to one of ordinary skill in the art at the time the invention was

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made, to have substituted the clamps of Taylor et al./Albro with the nuts and bolts of Tillman, III as is known in the art.

For claim 4, see column 1, lines 61-65, column 3, lines 5 and 6 of Tillman, III and the remarks in the rejection of claims 2 and 3.

10. Claims 7, 9, 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al. in view of Tillman, III.

For claim 7, Taylor et al. discloses a combination as shown above except for the cylindrical coupler being made of steel. However Tillman, III teaches such a coupler made of steel, see column 3, lines 17 and 18. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have made the coupler of Taylor et al. of steel, in light of the teachings of Tillman, III, in order provide a more durable seal.

For claims 9 and 16, see column 3, lines 5 and 6 of Tillman, III

For claim 10, see column 1, lines 61-65 of Tillman, III. Applicant should note that it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have substituted the clamps of Taylor et al. with the nuts and bolts of Tillman, III as is known in the art.

11. Claims 11, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al. in view of Albro.

With regards to claim 11, Taylor et al discloses a combination as shown above except for two liner sections dimensioned for receipt into the two ends of the two pipes, the liners including flared portions for matching the milled surfaces of the inner surfaces

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of the pipes. However Albro teaches such liners (17, 17 A), see figure 3. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have provided the two pipes of Taylor et al. with a liner of appropriate length with flared portions for matching the milled surfaces of the inner surfaces of the ends of the pipes, in light of the teachings of Albro, in order to protect the inner walls of the pipes against corrosion.

For claim 12, it can be seen from figures 1 and 5 of Taylor et al. that the milled surfaces of the coupler are between 5 and 45 degrees.

For claim 14, see figures 1, 5 and 8 of Taylor et al.

12. Claims 13, 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al./Albro as applied to claim 11 above, and further in view of Tillman, III.

For claim 13, Taylor et al. /Albro discloses a combination as shown above except for the cylindrical coupler being made of steel. However Tillman, III teaches such a coupler made of steel, see column 3, lines 17 and 18. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have made the coupler of Taylor et al./Albro of steel, in light of the teachings of Tillman, III, in order provide a more durable seal.

For claims 15 and 18, see column 3, lines 5 and 6 of Tillman, III.

For claim 17, Applicant should note that it is within the general knowledge of one of ordinary skill in the art to make the compressible member out of suitable material.

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Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (703) 305-2915. The examiner can normally be reached on M-F (10-7:30) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (703) 308-1513. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3580 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

eo
May 5, 2003

